



Louisiana State Civil Rights Committee Newsletter

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LOUISIANA CIVIL RIGHTS ADVISORY COMMITTEE

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DOES AGE REALLY MATTER – Submitted by Johanna Pate

Stereotypes about older people abound in our culture, but employers are not allowed to indulge in them when making workplace decisions. A number of state and federal laws prohibit employers from discriminating against employees and applicants on the basis of age.

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment. This includes hiring, firing, promotion, layoff, compensation, benefits, job assignments and training.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminated based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The ADEA applies to employers with 20 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Discrimination in Benefits and Early Retirement

The federal Older Workers Benefit Protection Act amended the ADEA to specifically make it illegal for employers to use an employee's age as a basis for discrimination in benefits and retirement. Like the rest of the ADEA, the act only protects people who are at least 40 years old.

Under this law, an employer cannot reduce health or life insurance benefits for older employees, nor can it stop their pensions from accruing if they work past the normal retirement age. The Act also discourages businesses from targeting older workers when cutting staff.

In addition, the Act prohibits employers from forcing employees to take early retirement. An early retirement plan is legal only if it gives the employee a choice between two options: keeping things as they are or choosing to retire under a plan that makes the employee better off than he or she was previously. This choice must be a genuine one: the employee must be free to reject the offer. If either choice makes the em-

LILLY LEDBETTER FAIR PAY ACT - Submitted by Adele Swearingen, Federal Women's SEPM

On January 29, 2009, President Barack Obama chose the Lilly Ledbetter Fair Pay Act as the first bill to sign as president. This bill overturned a 2007 Supreme Court decision and makes it easier for workers to sue for discrimination by allowing them more time to do so.

Lilly Ledbetter was hired at the Alabama Good-year Tire and Rubber Company in 1979 as an overnight supervisor. Although all compensation information was kept confidential at the company, shortly before she was to retire in 1998, an anonymous co-worker slipped a note into her mailbox at work comparing her salary with three other male counterparts. At the time, she was making \$3,727 per month, while her counterparts were paid between \$4,286 and \$5,236 per month. She filed a complaint with the EEOC and was then assigned to lift heavy tires in retribution.

She subsequently sued Goodyear, which claimed that she was paid less because she wasn't as good of a worker, even though she had earned a Top Performance Award in 1996. A jury agreed with Ledbetter. The case went all the way to the Supreme Court which decided that she was not entitled to any compensation because she filed her claim more than 180 days after receiving her first discriminatory paycheck.

In 2007, several Democratic members of Congress introduced the Lilly Ledbetter Fair Pay Act. The verbiage in the Act states that the 180-day statute of limitations for pay discrimination resets with each new discriminatory paycheck. Congress passed the law in January 2009.

This bill also amends title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and modifies the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

It further states that in addition to any relief authorized by section 1977A of the Revised States, liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.



Surrounded by members of Congress, President Barack Obama signs the Lilly Ledbetter Bill with Lilly Ledbetter, at center, behind Obama.

SOME FRENCH TRANSLATIONS

NRCS is the country's largest conservation agency and works to protect resources on America's private lands.

NRCS est la plus grande agence de conservation au pays, elle cherche a proteger les ressources des proprietes aux Etats-Unis.

SWCD, USDA's local partner, works to increase voluntary conservation practices among farmers and

SWCD est un partenaire local de USDA, travaillant pour augmenter la pratique volontaire de conservation des sols avec les fermiers et les propriétaires terriens.

CIVIL RIGHTS COMMITTEE MEMBER

Monthly Pick



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MONTH-LONG CELEBRATIONS

Women's History Month

Irish American Heritage Month

Greek Heritage Month

Mental Retardation Awareness Month

REGIONAL AND CULTURAL CELEBRATIONS AND COMMEMORATIONS

March 1st	Martenitza (Martisor)	Bulgaria, Romania
	Samijol (Independence Movement Day)	South Korea
	St. David's Day	Wales
March 3rd	Hinamatsuri (Doll Festival)	Japan
	Throne Day	Morocco
March 4th	Casimir Pulaski Day	Poland, U.S.
March 6th	Independence Day	Ghana
March 8th	International Women's Day	International
	Daylight Saving Time begins	U.S.
March 11th	Restoration of Statehood Day	Lithuania
March 12th	Moshoeshoe's Day	Lesotho
March 15th	Memorial Day for the 1848 Revolution and War of Independence	Hungary
March 17th	St. Patrick's Day	Ireland, USA
	Charshanbesuri	Iran
March 20th	Equinox	International
	Independence Day	Tunisia
March 21st	Benito Juárez' Birthday	Mexico
	Noruz (New Year)	Iran
	International Day for the Elimination of Racial Discrimination	United Nations
March 22nd	Emancipation Day	Puerto Rico
March 25th	Independence Day	Greece
March 26th	Swadhinata Dibash (Independence Day)	Bangladesh
March 29th	Boganda Day	Central African Republic
March 31st	Cesar Chavez Day	U.S.

RELIGIOUS HOLIDAYS

March 2nd	Great Lent Begins	Eastern Orthodox Christian
March 8th	Mawlid al-Nabi	Islamic
March 20th	Mawlid al-Nabi	Islamic

March 9th	Mawlid al-Nabi	Islamic
March 10th	Purim	Jewish
March 11th	Hola Mohalla	Sikh
	Holi (Festival of Color)	Hindu, Sikh
March 19th	St. Joseph's Day	Christian
March 21st	Ostara	Celtic, Pagan

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